

September 22, 2015

Matthias St. John, Executive Officer  
North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403

**Re. Draft Waste Discharge Requirements Order No. R1-2015-0057 for JH Ranch Wastewater Treatment Facility, Siskiyou County**

Dear Mr. St. John,

We are the Friends of French Creek, a group of several dozen Scott Valley residents dedicated to protecting our environment and rural lifestyle. We are concerned about the scale and potential impacts of proposed further development of the JH Ranch Resort. We have been corresponding with several members of your staff over the past 18 months. The intent of this letter is to provide information that could help you make a more informed decision on the subject Waste Discharge Requirement (WDR).

First of all, we are glad the Board is taking over authority for waste discharge requirements for this facility, in keeping with the June, 2012 Onsite Wastewater Treatment System policy. Siskiyou County does not have the resources to provide adequate oversight that would ensure water quality and beneficial use protection. Scott River is an important salmonid fishery, with French Creek itself a critical spawning and rearing stream for State- and Federal-listed coho salmon (threatened species).

1. The application does not appear to be complete because, upon reviewing your staff's JH files, there does not appear to have been any waste water quality data submitted between 2004 and the middle of 2014, and only 2 samples taken in the past decade (on 6/3/14 and 6/22/15). Such data are required in Rick Azevedo's April 11, 2014 letter to the JH Ranch. (*Subject: Request of Report of Waste Discharge, Onsite Waste Water Treatment and Disposal System.*) In fact, there is no evidence that the following information items that Mr. Azevedo requested (comprising a report of waste discharge) have been provided so that you can make an informed decision regarding Waste Discharge Requirements:

- "An ongoing monitoring plan to evaluate performance of the treatment and disposal system, and impacts to ground and surface water quality",
- "A tabular summary of effluent data from the existing treatment system, discussed below."
- "An evaluation of the local stratigraphy and ground water hydrology",

- “An evaluation of current and potential future impacts to groundwater and any nearby receptors such as creeks.”

Mr. Azevedo’s letter is in keeping with **Form 200 requirements: Sec. IV, i.e.:** “To be approved your application MUST include characterization of the discharge. If the characterization is found to be incomplete, RWQCB staff will contact you and require that additional specific information be submitted.” Also, under **Form 200’s Discharge Specific Requirements:** “In most cases, a request to supply additional discharge information will be submitted to you by a representative of the RWQCB. If the RWQCB determines that additional discharge specific information is not needed to process your application, you will be so notified”.

Although a site inspection was made in July, 2015, the only evidence that the system will meet water quality objectives are a note that the system engineer produced a clear water sample. This is in spite of the fact that the most recently analyzed sample (taken 6/22/15) had a 5-day BOD result of 183 mg/l –more than double the draft maximum daily effluent limitation- and the TSS result of 134 –four-fold the limitation. Similarly, total nitrogen result was eight-fold the daily value. No measured flow rates, and a tabular summary of effluent data from the existing treatment system (Appendix D of the applicant’s submittal) could be located. If available, this should be made public, along with the rest of the application, with clearly titled appendices.

As evident in the attached satellite imagery, French Creek is in close proximity to the apparent leachfield, an estimated 100’ at its closest distance. (Attachment 1. Handwritten notes are by Bill Navarre, County of Siskiyou Public Health staff.) This should demand a more detailed “...evaluation of the local stratigraphy and ground water hydrology” (Azevedo, April 11, 2014 letter) than simply a topographic map overlain with the facility location.

2. Regarding data, we are attaching a Total Coliform analysis taken from grab samples on 7/16/14, obtained by members of FOFC and analyzed at Shasta Public Health Laboratory (a Division of Drinking Water-certified lab). The coliform levels suggest a large increase between a point on French Creek upstream of the JH Ranch, and a point at its downstream extent, which is not far downstream of the treatment system. While the samples are not part of a comprehensive monitoring program, and interpretation of total coliform values alone is limiting, this data can be considered indicative of the need for closer study, particularly given the paucity of regular effluent data from the treatment plant. (See Attachment 2)

## **Specific Comments**

### **1. Comments on Section II, Findings:**

We have four comments pertaining to this section:

- B. Background and Facility Description – Paragraph 2 – it appears that there are two types of leachfields in the system: subsurface and subsurface drip

disposal. If we understand correctly, the drip system employs “Geoflow” emitters, which are shallowly buried. This poses a risk of ice-plugging during cold weather. (Personal Communication with Bill Navarre, Siskiyou County 8/31/2015). If true, this needs to be disclosed and appropriate requirements added to the Order re. season of use for this particular leachfield, which is designed for more than  $\frac{3}{4}$  of the total leaching capacity.

- G. Antidegradation Policy – We do not feel that this project is in keeping with this policy because the rationale used, “This project consists of the operation or minor alteration of an existing facility which involves minimum change in use beyond that previously existing”, is not valid. See next bullet for our reasons.
- J. California Environmental Quality Act – We feel that this project needs to be properly assessed using a CEQA analysis. It does not qualify for an exemption under the CA Code of Regulations, Title 14, section 15301, for two reasons:
  - a. It does not meet the definition of “existing use” under Class 1, which is *“involving negligible or no expansion of existing use.”* We maintain that an increase of 35% (from 33,333 to 45,000 gallons per day) is not a “negligible or no expansion” of use.
  - b. A project with a significant cumulative impact cannot qualify for a Class 1 exemption. No cumulative effects analysis has been done for the treatment project. However, public comments to the proposed mitigated negative declaration for the JH Ranch PDPA, including your own agency comments to Greg Plucker of Siskiyou County, dated April 4, 2014 suggest that there is a risk of potential and significant cumulative effects on water quality and beneficial uses of water in French Creek, due to the JH Ranch development. Similarly, California Dept. of Fish and Wildlife’s Preliminary Review of Proposed Application Modifications for the JH Ranch PDPA, June 22, 2015 letter to Siskiyou County point out “substantial” improvements to structures in the riparian buffer and possible surface flow diversion or pumping to fill a new pond, beyond the water rights’ decreed use (Attachment 3) .

According to our review of the staff file, a specific determination of whether the project was exempt from CEQA does not appear to have been made by any agency.

- K. Notification of Interested Parties – We understand that notification was given via the Internet. We are disappointed that - given our obvious level of interest, repeatedly inquiring about the status of JH’s waste discharge requirement process - none of the several staff members had the courtesy to alert us to this comment period. In fact, the public notice was given in Santa Rosa and Eureka, California newspapers, outside the county where the most interest would be, and from four to eight hours’ drive away. We do not feel that the spirit or intent of this section was met. We sincerely hope that we

might be kept informed as this process moves forward, if possible through regularly scheduled monitoring and reporting.

2. Comments pertaining to VIII. General Provisions – Sec. Q. Special Studies, Technical Reports, and Additional Monitoring Requirements:

We are glad to see the draft order's Hydrogeologic Study requirement. The intent is clearly stated. However, investigative design requirements are vague and inconsistent with Attachment B, Monitoring and Reporting Program. In particular, Section Q items 3, 4 and 6 suggest an adequate array of groundwater monitoring wells to characterize spatial and temporal variability within the leachfield area. Yet in Table B-1, monitoring wells are only required at the perimeter of the leachfields.

We respectfully request that 1) a CEQA determination be made, informed by an EIR-level analysis that utilizes adequate data, 2) seasonal use restrictions be placed upon the portion of the system that utilizes shallowly buried emitters in the leachfield as the facility is located at approximately 3400' elevation and subject to freezing more than half the year, and 3) the monitoring plan be clarified or modified from requiring monitoring wells just at the leachfield perimeters to requiring an adequate array of wells, placed so that they can meet the stated objective of draft Order Sec. Q (to characterize spatial and temporal variability **within** the leachfield area).

Thank you for this opportunity to comment on this important WDR. We hope that you find our comments helpful and that you will keep us in the loop. Please note that we plan to have a representative of our organization speak to the Regional Board when this matter comes before the Regional Board. We can be reached through Betsy Stapleton (707-499-7082, [5104stapleton@gmail.com](mailto:5104stapleton@gmail.com)) or Roberta Van de Water (530-467-5488, [rvdw@sisqtel.net](mailto:rvdw@sisqtel.net)).

Respectfully yours,

Friends of French Creek

*/S/Betsy Stapleton*

*/S/Shirley Johnson*

*/S/Rebecca Potter*

*/S/Daniel Deppen*

*/S/Janeane Deppen*

*/S/Maureen Williams*

**Signatures continued on next page**

*Attachments*